

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREA GORAL, Personal Representative of
the Estate of Kristine Griffing, deceased;

Plaintiff,

vs.

EATON CORPORATION, OMRON STI
MACHINE SERVICES INC.,

Defendants.

4:13CV3003

ORDER

This matter is before the court on the court's own motion. Plaintiff has filed a Third Amended Complaint, (Filing No. 27), seeking to add MQ Automation, LLC as a defendant in this action. The Third Amended Complaint provides that MQ Automation, LLC is a Kentucky limited liability company with its principal office in Indiana, but it does not allege the states of residence for the LLC's members. Such information is necessary for a determination of whether diversity jurisdiction will exist if MQ Automation is added as a party. The deadline for moving to amend pleadings in this case is August 30, 2013. See Filing No. 21 (emphasis added). At this stage in the litigation, the amendment may not be made as a matter of course. Fed. R. Civ. P. 15(a)(2) (pleadings may be amended only with the written consent of the opposing party or leave of the court).

IT IS ORDERED that the Plaintiff's Third Amended Complaint, (Filing No. 27), and Request for Summons, (Filing No. 28), are stricken without prejudice to the Plaintiff filing a motion to amend and a proposed amended complaint which includes the information necessary to determine whether diversity jurisdiction will be maintained upon the joinder of MQ Automation, LLC.

Dated this 15th day of July, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge